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Medico-Legal

INSECTICIDE FOR LIQUORICE POWDER

One of the nurses at the Leicester City General Hospital found in the kitchen of her ward an old cocoa-tin, unlabelled, containing some powder. She took it to the sister, and with another nurse they tasted it and decided that it was liquorice powder. At the suggestion of the sister it was labelled "Liquorice Powder" and put in the medicine cupboard. Some time afterward the nurse who found the tin gave eight boys in her ward a dose of the powder, and soon all the eight were sick. The resident medical officer came into the ward and found that three of them had recently vomited and two were actually vomiting. He was told that they had been given liquorice powder, but it did not appear to him that anything serious was wrong with them. He was shown the tin, and after smelling and looking at it he concluded it was liquorice powder. He was told the tin had not contained anything else. He contented himself by telling the sister to keep an eye on them. Next day one of the boys died, and his father claimed damages from the Leicester Corporation, the doctor, the sister, and the nurse.

At the hearing before Mr. Justice Oliver at the beginning of February¹ the city analyst said that the insect powder contained borax and pyrethrum and smelt differently from liquorice powder. Sir Bernard Spilsbury said that the doctor ought to have made close inquiries for a possible common cause of the sickness in food, fluid, or medicines administered recently, and should have regarded the powder with grave suspicion. Simultaneous sickness in a number of persons was one of the clearest indications of poisoning. He should have distinguished the insecticide from liquorice powder by taste, and should have ordered gastric lavage. Borax, he said, is a poison except in very small quantities. One of the reasons why the boy died was that he retained the whole of the poison in his stomach longer than the others. A teaspoonful would certainly make a boy seriously ill and endanger his life. Stimulants might have been given when the boy's heart was found to have been affected.

The doctor said in evidence that he considered the nurse to blame and that he had never suspected poisoning from first to last. He did not agree with Sir Bernard Spilsbury that, eight boys being dosed and all being sick, the presumption of cause and effect was almost a certainty. He had not, however, asked if the boys had been given an emetic. A consulting physician to the hospital said for the defence that liquorice powder was a very distasteful draught to children, and he would expect two boys out of eight to vomit after taking it. When shown the insecticide and liquorice powder together, he himself had chosen the insecticide in mistake for the liquorice. If the boys, he said, had been showing no signs of distress he would merely have asked the ward sister to watch them carefully and report any change. He would have ordered nothing more than an emetic, particularly as the tin was labelled non-poisonous. Borax was not usually considered a poison. Washing-out of the stomach would be dangerous in the circumstances but might have saved the boy; nothing else could have done so.

The learned judge in his judgment said that he had found the smell of the insecticide substantially different from that of the liquorice powder, though their appearance was closely similar. He concluded that Nurse Bradfield and Sister Lewis had been negligent. It was utterly wrong—but of course not intentionally wrong—to label the tin "Liquorice Powder" without having it checked at the dispensary. Once it was labelled and put in the medicine cupboard it was like a loaded bomb which some day would go off and injure someone. He could not help feeling that the doctor, finding that eight boys had been sick after a common dose, ought to have leapt to the conclusion that they had probably been poisoned. He preferred Sir Bernard Spilsbury's evidence to

that of the consultant, who, he said, had gone further in defence of the doctor than the defendant himself had done. He found that the doctor fell short of the standard of care required of him. That did not mean he was not a competent doctor, and his lordship hoped the result would not affect his position. He awarded £450 damages against the doctor and £25 each against the nurses.

Counsel argued, before the judgment, the constantly recurring question whether the corporation could be held liable at law for the negligence of its doctors or nurses. The judge held that it could not. An institution, he said, is not liable for the negligence of either of these classes of workers in their skilled capacity. If a nurse does a purely domestic act and is negligent, the hospital may be liable. A tin of insecticide is a perfectly proper thing to be found in the kitchen of a hospital ward in July. If the finding of the powder in the tin had been the cause of the accident there would have been a case against the corporation. The real cause, however, was that the nurses thought it was liquorice powder. The labelling of the powder as liquorice powder and the mass administration of the purgative were not domestic acts, but acts of the nurses in their professional capacity. The corporation were similarly not liable for the negligence of the doctor.

Universities and Colleges

UNIVERSITY OF CAMBRIDGE

The Regius Professor of Physic gives notice that, war conditions permitting, he is prepared to arrange for a course of lectures and instruction in therapeutics, with visits to Addenbrooke's Hospital, to be held concurrently with the course for the examination in pharmacology, in the Long Vacation. This course is confined to students who have passed Part I of the Natural Sciences Tripos or the qualifying examinations in anatomy and physiology, and are proceeding shortly to clinical work or have already started clinical work in London or elsewhere. The names of those students who wish to attend the course should be submitted early in the Easter Term.

UNIVERSITY OF LONDON

London University Gazette

It was found necessary on the outbreak of war to suspend publication of the *London University Gazette* for the time being. Publication at the normal intervals will not be resumed at present, but it is hoped that so long as conditions remain substantially unchanged it will be possible to issue three numbers a year, probably about January, May, and August. The price of single copies will be 6d. (post free 8d.) as at present. The annual subscription will be discontinued until further notice.

Evacuation of the University

As already announced in these columns, the headquarters of the administrative staff of the University are now at Royal Holloway College, Englefield Green, Surrey; other departments of the University have been transferred to various parts of the country, and some have been closed down. The present addresses of the departments, colleges, and schools of the University and of institutions having recognized teachers are given in the *London University Gazette* of February 21 (p. 5).

Appointments

Dr. Mary S. Jevons has been appointed a governor of the North London Collegiate School, and Sir Holburt Waring a member of the board of management of the London School of Hygiene and Tropical Medicine.

Professor W. E. Le Gros Clark, D.Sc., F.R.C.S., F.R.S., has been permitted, at his own request, to defer making any final decision as to taking up his appointment to the Chair of Anatomy at University College (see *Journal*, May 27, 1939, p. 1117) until the end of the war.

Medical Examinations

In and after the session 1940-1 and until further notice the M.B., B.S. examination will be held in October and March (or April) instead of November and May. The examination in October, 1940, will begin on Monday, October 14, and the latest date for the receipt of entries is August 31. The date

¹ *Daily Telegraph*, Feb. 1, 2, 3; *Leicester Mercury*, Jan. 31, Feb. 1, 2.